

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SADIE HACKLER, ET AL

)

V.

)

No. 5:18-CV-00911-XR

TOLTECA ENTERPRISES INC.,
DBA PHOENIX RECOVERYGROUP

)

DEFENDANT'S OBJECTIONS TO PLAINTIFF'S STATUS REPORT

Plaintiff submitted a Status Report on this case. (Doc. 54).

Defendant has objections to the report which was drafted by Plaintiff's attorney and the objections are made because Defendant's attorney does not agree with everything set out therein.

Although Defendant agrees that the remaining issues are net worth, damages and attorney fees the Status Report has the following described flaw.

The flaw is that Plaintiff refuses to present, or is evasive, in presenting an intelligible demand on damages, costs and attorney's fees. The problem with that is that Defendant is essentially flying blind and is unable to gauge how to best participate in mediation with Manny Newburger, who is agreeable to Defendant as a mediator. Without this basic information, however, it would be very difficult for this case to be mediated by February 26, 2021 and discovery completed by March 1, 2021. If, however, the information that ought to be set out in a proper demand to Defendant is provided, such deadlines are realistic. Without the needed information Defendant cannot make an informed business decision about settlement. The information sought is uniquely within the control of Plaintiff and Defendant respectfully submits that the information is readily available to Plaintiff and can be provided to Defendant with ease. Unless Defendant receives such a proper demand setting forth estimates on damages, costs and

attorney fees, mediation will likely be fruitless and a waste of time and resources. Defendant wants to cooperate but as the saying goes, it takes two to tango.

Therefore, Defendant asks the court to assist in this regard and instruct Plaintiff and her lawyers to provide the basic demand information that is needed for a successful mediation. Perhaps the court should set a status conference which could be conducted via zoom or by telephone.

Otherwise, Defendant will be forced to revoke consent to mediation due to being stonewalled on having an estimate on damages, costs and attorney fees.

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Certificate of Conference

I attempted to resolve the matter of not having a reasonable and specific demand in this case prior to presenting this to the court for input and guidance. The effort was not successful.

S/Tom Clarke